



TOWN OF ELSMERE
APPEAL TO THE BOARD OF ADJUSTMENT

Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that a written application for appeal is based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the Code: 1) provides the same or better protections than what the Code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the Code as written or permit the proposed alternative action.

Date this Appeal was filed: <u>6/26/12</u>	Petition Number: <u>12-24</u>
Date of the Original Action: <u>6/16/12</u>	Tax Parcel Number: <u>1900800015</u>
Subject property Address: <u>1329 Sycamore Avenue, Elsmere, DE 19805</u>	
Property Owner's Name: <u>Bernard Doherty Jr</u>	Phone Number: _____
Property Owners Address: <u>137 Morris Road Townsend, DE 19734</u>	
Applicant's Name: <u>Bernard Doherty</u>	
Applicant's Address: <u>137 Morris Road Townsend, DE 19734</u>	
Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.) <u>Violation ID: 12-00166</u>	
Reason for the Appeal: <u>We dispute getting a fine without getting notice of the problem first.</u>	
Relief sought: <u>Fine</u>	
Applicant's Signature: <u>[Signature]</u> Date: <u>6/26/12</u>	

DLR



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*******CITATION*******

EXHIBIT


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12-24 A

11 Poplar Avenue – Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

RESPONSIBLE PARTY Bernard Doherty & Wesley Haigh 137 Morris Rd Townsend, DE 19734	VIOLATION #	V2-00166
	OFFICER	Daniel Reed
	VIOLATION DATE	06-16-2012
	PROPERTY ADDRESS	1329 Sycamore Ave Wilmington, DE 19805
	ABATEMENT DATE	N/A

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of the civil citation is described below.

Specific Violation	Code Section	Due Date	Amount Due
All exterior surfaces shall be maintained in good condition. Exterior wood surfaces shall be protected from the elements and decay by painting or other protective covering or treatment. (Paint back door.) 	IPMC 2000 303.2	07/16/2012	\$50.00
<p align="center">*****CITATION INFORMATION*****</p> <p>In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below.</p> <p>You may also pay your fee in person at Town Hall, 11 Poplar Ave., Elsmere, DE 19805.</p> <p align="center">ABATEMENT COST</p> <p>If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary in addition to the \$50.00 fine already assessed you will owe to the Town the costs of the abatement.</p> <p>Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.</p>			

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due Date". Additionally if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary you will be responsible for the payment of all abatement costs incurred by the Town. Failure to pay the "Amount Due" and any abatement costs assessed shall give rise to a lien on the property pursuant to Title 25, Chapter 29, of the Delaware Code. You must pay this civil penalty of \$50.00 by the "Due Date" of this citation, even if the violation has been corrected.

Please return this section with your payment.

DUE DATE	PARCEL NUMBER	VIOLATION NUMBER	AMOUNT DUE
07/16/2012	1900800015	V2-00166	\$50.00

Make Checks Payable To: The Town of Elsmere
Mail Your Payment To: The Town of Elsmere
 Finance Department
 11 Poplar Avenue
 Elsmere, DE 19805

- Each 24-hour period that the condition giving rise to this citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$50.00.
- You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation. **MEANS OF APPEAL SHOWN ON THE BACK.**

TOWN OF ELSMER

11 POPLAR AVE
ELSMERE, DE 19805
ATTN: CRAIG HANNA
TEL: (302)998-2215
FAX: (302)998-9920

EXT: 104

EXHIBIT

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12-24 B

INVOICE NO.

I2-01874

INVOICE DATE: 06/18/12

DUE DATE: 07/18/12

CUSTOMER #: P-000221

DOHERTY BERNARD III & HAIGH
137 MORRIS ROAD
TOWNSEND, DE 19734

VIOLATION INFORMATION

VIOLATION ID: V2-00166

LOCATION: 1329 SYCAMORE AV

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION 1329 SYCAMORE AVE 2000 IPMC 303.2 PAINT BACK DOOR	50.0000	50.00
			TOTAL INVOICE	50.00

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

DOHERTY BERNARD III & HAIGH
137 MORRIS ROAD
TOWNSEND, DE 19734

Invoice Id: I2-01874

Customer Id: P-000221

Due Date: 07/18/12

Total Due: 50.00



